

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 03-30298 - MAP

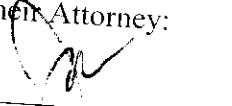
JAMES TULGAN,)	DEFENDANT'S MOTION TO CONTINUE AND RESCHEDULE INITIAL SCHEDULING CONFERENCE
Plaintiff)	
V)	
BERKSHIRE ARMORED CAR, SERVICES CO., INC. PROFIT SHARING PLAN, BERKSHIRE ARMORED CAR SERVICES CO., INC., GERARD S. REDER AND JACQUELINE POWERS,)	
Defendants)	

NOW comes Counsel for the Defendants, Berkshire Armored Car, Services Co., Inc. Profit Sharing Plan, and Gerard S. Reder in the above-entitled matter and respectfully moves this Honorable Court to CONTINUE and RESCHEDULE the hearing on the Initial Scheduling Conference set for December 8, 2004 at 10:30 a.m. in Springfield. For reasons, Counsel for the Defendants Berkshire Armored Car, Services Co., Inc. Profit Sharing Plan, Berkshire Armored Car Services Co., Inc., and Gerard S. Reder states that he has been subpoenaed as a witness in a criminal matter which is scheduled to be heard at the United States District Court in Boston beginning on Monday, December 6, 2004, but is expected to take approximately two weeks to complete. Counsel is required to attend same, every day, until completion. A copy of the subpoena is attached hereto and marked Exhibit "A".

WHEREFORE, Counsel for the Defendants respectfully requests this Honorable Court to CONTINUE and RESCHEDULE the Initial Scheduling Conference to a date after December 20, 2004.

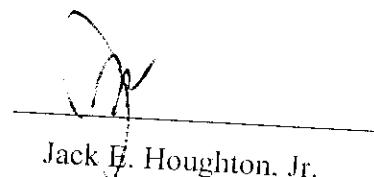
Respectfully submitted,
 Berkshire Armored Car, Services Co., Inc.,
 Profit Sharing Plan, Berkshire Armored Car
 Services Co., Inc., and Gerard S. Reder
 By their Attorney:

Date: December 1, 2004


 Jack E. Houghton, Jr.
 78 Bartlett Avenue
 Pittsfield, MA 01201
 (413) 447-7385
 B.B.O. # 241040

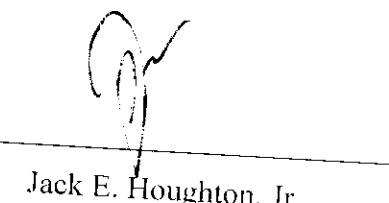
RULE 7.01 (A) (3) CERTIFICATION

I, Jack E. Houghton, Jr., counsel for the Defendants, Berkshire Armored Car Services Co., Inc., Profit Sharing Plan, Berkshire Armored Car Services Co., Inc., and Gerard S. Reder on oath depose and say that, pursuant to Rule 7.1 (A) (3) of the Local Rules of the United States, District Court for the District of Massachusetts, do hereby certify that, previous to the filing of this motion, I attempted in good faith to resolve this Motion To Continue And For Rescheduling Of The Initial Scheduling Conference, by forwarding a copy of same, together with a letter, to Robert L. Leonard, Esq. of Doherty Wallace Pillsbury & Murphy, One Monarch Place, Suite 1900, Springfield, MA 01144-1900, Attorney for the Plaintiff, requesting that he assent to the motion on the grounds that I was unavailable to attend the initial scheduling conference set for December 8, 2004. For whatever reason, Attorney Leonard refused and/or neglected to agree to same; hence, my need to file this Motion with the District Court.



Jack E. Houghton, Jr.**CERTIFICATE OF SERVICE**

I, Jack E. Houghton, Jr. hereby certify that I have on this 1st day of December, 2004, served the within Defendants' Motion To Continue And Reschedule Initial Scheduling Conference, by mailing same to Robert L. Leonard, Esq., Doherty Wallace Pillsbury and Murphy, One Monarch Place, Suite 1900, Springfield, MA 01144 , and Jacqueline Powers, 60 Kenwood Avenue, Pittsfield, MA 01201 by first class mail, postage prepaid.



Jack E. Houghton, Jr.

UNITED STATES DISTRICT COURT

DISTRICT OF

MASSACHUSETTS

UNITED STATES OF AMERICA

V.
JOHN CHOQUETTE, JR.,SUBPOENA IN A
CRIMINAL CASE

Case Number: 03-40027-NMG

TO: Jack E. Houghton, Jr., Esq.

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE	United States District Court John Joseph Moakley United States Courthouse 1 Courthouse Way, Suite 9200 Boston, MA 02210	COURTROOM No. 4, 3rd Floor Judge Gorton's Session
		DATE AND TIME Monday, December 6, 2004 9:00 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Witness travel & reimbursement instruction are attached. Call Witness Coordinator, Amy Jones at (617) 748-3153, if you have any questions. For after business hour emergencies, call (617) 748-3100.
SEE ADDITION ON REVERSE SIDE)

MAGISTRATE/JUDGE OR CLERK OF COURT

Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

November 3, 2004

MARK J. BALTAZARD
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210 Tel: (617) 748-3208

A handwritten signature in blue ink that appears to read "MJS".

AO 456 (Rev. 5/85) Notice

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

JAMES TULGAN

V.

NOTICE

BERKSHIRE ARMORED CAR SVCS.

CASE NUMBER: 03-30298-MAP

TYPE OF CASE:

 CIVIL

CRIMINAL

TAKE NOTICE that a proceeding in this case has been set for the place, date, and time set forth below:

PLACE

1550 Main Street
Springfield, Massachusetts 01103

ROOM NO.

Courtroom Three

DATE AND TIME

TYPE OF PROCEEDING

INITIAL SCHEDULING CONFERENCE

TAKE NOTICE that a proceeding in this case has been continued as indicated below:

PLACE

Courtroom Three

DATE AND TIME PREVIOUSLY
SCHEDULED
December 2, 2004 at 11:30 a.m.

CONTINUED TO DATE
AND TIME

December 8, 2004, at 10:30 a.m.

WILLIAM RUANE

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

/s/ Bethaney A. Healy
(BY) DEPUTY CLERK

November 22, 2004

DATE

TO: ALL COUNSEL OF RECORD